

REMARKS

Applicants elect Claims 61-85, drawn to control of evaporator pressure regulators, classified in Class 16, subclass 217, without prejudice to Claims 86-89.

The Examiner maintains that Claims 61-85 are distinct from Claims 86-89 because, in the Examiner's opinion, the former is directed to evaporator pressure regulator control and the latter is directed to compressor capacity control. Applicants traverse the rejection.

Claims 86-88 include "a control system operable to control evaporator pressure regulator suction pressure independently of evaporator refrigerant superheat to meet cooling demand, and a sensor assembly providing refrigeration case temperature and evaporator pressure regulator valve position data to said control system to determine cooling demand." Thus, Applicants believe that a prior art search of the subject matter of Claims 86-88 would include searching the same subclasses as required for Claims 61-85. That is, both claim sets include control of evaporator pressure regulators, which the Examiner has indicated as classified in Class 62, subclass 217. Accordingly, a restriction between Claims 61-85 and 86-88 is viewed as improper by Applicants, who respectfully request reconsideration and withdrawal of the rejection by the Examiner.

Regarding Claim 89, Applicants point out that the claim includes: "a control system operable to control said evaporator pressure regulators independently of said expansion valves for each of said plurality of refrigeration circuits, wherein said control system determines said compressor capacity based on a valve position of said at least one evaporator pressure regulator and said refrigeration case temperature." Thus, similar to above, a prior art search for the subject matter of Claim 89 should be similar

to that required for Claim 61-85 (as well as Claims 86-88). Claim 89 further includes a feature of determining compressor capacity based on the evaporator pressure regulator valve position, which might require the Examiner to search classes or subclasses beyond those identified for Claims 61-85. Thus, in the interest of reducing Applicants' expense and without any hardship on the Examiner, Applicants believe that Claim 89 should be examined along with Claims 61-85 (as well as Claims 86-88). Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By: _____

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